

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the Matter of

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Revision of the Commission's Rules

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To Ensure Compatibility with

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Enhanced 911 Emergency Calling Systems

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 94-102

REQUEST FOR WAIVER

Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Services (Chariton), by counsel, hereby requests waiver of Section 20.18 (e) of the Commission's Rules and Regulations for a period of twenty-four (24) months. As more fully addressed below, Chariton is a small, rural cellular telephone company providing service in north central Missouri. Due to the particularities and economics of its cellular operation, the public interest would be best served if industry standards for wireless E-911 become more certain and mature -- standardized -- before Chariton, indeed small rural cellular carriers like Chariton, are required to make necessary capital expenditures for system hardware and software to implement E-911. In support whereof, Chariton states as follows:

Chariton operates as a rural service area (RSA) cellular telephone company in and around Bucklin, Missouri in Chariton, Macon, Randolph, Shelby and Linn Counties. The population of these five counties is under 70,000; the counties contain 3163 square miles. (Chariton also has minority interests in other cellular operations in its general vicinity.) The area in which it operates is sparsely populated and agrarian -- highly dependent on farming and the economics of crops. Chariton is not located near Interstate Highways. The provision of wireless telephony is a "public service" in the most literal sense of that term.

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Chariton applauds the Commission's policies and efforts to effect wireless E-911 systems nationwide. As a Commission licensee, Chariton welcomes the day that it can deploy E-911 technology effectively and economically. That being said, Chariton submits that it would sustain a severe hardship if it were to comply the extant deadline to implement E-911 in its rural CGSA.

As of the date of this waiver request, there is no known and certain technology available throughout the industry in sufficient scale and scope that the cost of acquisition of hardware and software necessary to deploy a handset-dependent or radio-triangulation location systems make either operational or economic sense to Chariton as a service provider or to its subscribers. To the contrary a hardship will be sustained if Chariton is not granted relief by way of waiver, a circumstance recognized by the Commission in its Public Notice dated December 24, 1998 (DA 98-2631).

Once industry standards become known and equipment is readily, available the costs of acquisition and deployment of same will surely drop. That is when the public interest would best be served by Chariton deploying the prevailing and appropriate E-911 subscriber location equipment. The situation is similar to the deployment of cellular itself. First the Commission licensed the largest metropolitan areas, down to the smallest MSAs. Then, and only then, following several changes in licensing rules and policies, did the Commission commence the licensing of the rural areas. By that time manufacturing had reached a sufficient competitive stage where economies of scale and scope prevailed and rural service areas stood to be economically served. It follows that the Commission should let industry standards flow from the large and well-populated markets and E-911 technology trickle down to the rural markets when deployment of same makes operational and economic sense. In that way the public interest will be served. (It should also be noted that the FCC is following a

similar pattern of requiring number portability in larger markets first, leaving the smaller markets until later.)

WHEREFORE, Chariton prays that the Commission grant it a twenty-four (24) month waiver within which to comply with Rule 20.18(e); a grant of the requested waiver will serve the public interest and protect the integrity of Chariton's cellular service in the interim.

Respectfully Submitted,

CHARITON VALLEY WIRELESS SERVICES

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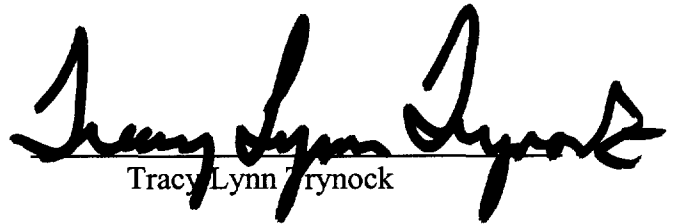
February 4, 1999

CERTIFICATE OF SERVICE

I, Tracy L. Trynock, hereby certify that on this 4th day of February, 1999, copies of the foregoing "Request for Waiver" have been served by first-class United States mail, postage pre-paid or by hand delivery upon the following:

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Tracy Lynn Trynock

* denotes hand delivery